

Methodist Church. I said there was just as much in the Methodist Church as among lawyers.

DELEGATE MUDD: I stand corrected.

THE CHAIRMAN: Do you have a further question?

DELEGATE MALKUS: I presume, Mr. President, I will have an opportunity to ask questions later?

THE CHAIRMAN: You certainly will have plenty of opportunity to speak. Do you have any further questions now?

DELEGATE MALKUS: Not until Monday, sir.

THE CHAIRMAN: Delegate Dorsey.

DELEGATE DORSEY: Will the Chairman yield for a question?

THE CHAIRMAN: You may ask any question.

DELEGATE DORSEY: Are not sections 5.13 through 5.25 in sum and substance the Niles Plan?

DELEGATE MUDD: Yes, I think so.

DELEGATE DORSEY: Has that not been submitted to the General Assembly of Maryland?

DELEGATE MUDD: It may have.

DELEGATE DORSEY: Has it not twice been rejected by the people of Maryland through their duly-elected representatives in the Maryland legislature?

THE CHAIRMAN: Delegate Dorsey, the Chair feels obliged to call to your attention and to the attention of the assembly that the last time the so-called Niles Plan was submitted to the General Assembly, it was referred by the General Assembly to the Convention. It has been referred to this Convention by the General Assembly.

DELEGATE DORSEY: Prior to that, did the General Assembly not reject it?

DELEGATE MUDD: The only legislative history I am aware of, Delegate Dorsey, is that at the 1966 session, I think, part of the plan was passed or adopted by the House of Delegates, then went to the Senate, and from the Senate was referred to our Judicial Branch Committee by the Senate Judiciary Committee.

DELEGATE DORSEY: Are you not now proposing to write into the Constitu-

tion of Maryland what has been rejected by the General Assembly?

DELEGATE MUDD: No, I do not know that this has been rejected.

THE CHAIRMAN: Delegate Dorsey.

DELEGATE MUDD: I may not be up on my legislative history, but I have no knowledge that this plan has been rejected by the legislature.

DELEGATE DORSEY: Thank you, sir.

THE CHAIRMAN: Are there any further questions? Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, in section 5.13 you use the term "residence at the time of his appointment." I was wondering if by that you mean that the judge of the superior court has to be a resident for some period of time prior to his appointment. If you did mean that, why did you not use a particular period of time?

DELEGATE MUDD: Which part of section 5.13, line 2 or line 18? We say a person shall have been a citizen of the State and member of the bar for at least five years immediately prior to his nomination.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: On line 26, "to be eligible for nomination and appointment as a judge of superior court, a person shall be resident of the county where the superior court vacancy exists." What do you mean by that?

DELEGATE MUDD: You mean as between resident and citizen and domicile?

THE CHAIRMAN: I do not think so, Delegate Mudd. The question you may have lost before was whether you meant resident only at the moment of appointment or for some time prior to appointment. Is that the question?

DELEGATE WILLONER: Essentially.

DELEGATE MUDD: At the moment of appointment.

DELEGATE WILLONER: At the moment of appointment. Is it contemplated that lawyers from other parts of the State would be eligible for superior court judgeships anywhere in the state?

DELEGATE MUDD: If they were resident at the time of appointment.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: In other words, all the lawyers of the State will be